

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NELSON SANDEFUR, JR.

Plaintiff,

v.

FIRST HORIZON HOME LOANS; et al.,

Defendants.

3:10-cv-0252-LRH-VPC

ORDER

Before the court is defendant JP Morgan Chase Bank, N.A.'s ("JP Morgan") motion to expunge lis pendens. Doc. #52.¹ Plaintiff Nelson Sandefur, Jr. ("Sandefur") did not file an opposition.

In December 2007, Sandefur purchased several real properties through loans issued by defendants. Sandefur defaulted on the loans and defendants initiated non-judicial foreclosure proceedings on the properties. Subsequently, Sandefur filed a complaint for wrongful foreclosure against defendants. Doc. #1, Exhibit A. This action was then transferred to Judge James A. Teilborg ("Judge Teilborg") in the District of Arizona to oversee this action as part of a Multi-District Litigation known as *In re: Mortgage Electronic Registration Systems (MERS) Litigation*, MDL No. 2119.

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¹ Refers to the court's docket entry number.

1 On October 3, 2011, Judge Teilborg dismissed this action with prejudice as part of a global
2 dismissal of consolidated actions. *See* Doc. #52, Exhibit B. On June 12, 2014, the Ninth Circuit
3 affirmed Judge Teilborg's order of dismissal as to this action. *See* Doc. #52, Exhibit D. Thereafter,
4 JP Morgan filed the present unopposed motion to expunge lis pendens. Doc. #52.

5 The failure of an opposing party to file points and authorities in response to any motion
6 shall constitute a consent to the granting of the motion under LR 7-2(d). Moreover, the court finds
7 that JP Morgan's motion to expunge lis pendens is warranted based on Judge Teilborg's dismissal
8 of this action. Accordingly, the court shall grant the motion to expunge lis pendens.

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10 IT IS THEREFORE ORDERED that defendant's motion to expunge lis pendens (Doc. #52)
11 is GRANTED. Defendant JP Morgan Chase Bank, N.A. shall have ten (10) days to submit an
12 appropriate proposed order expunging the lis pendens and submit the same for approval and
13 signature.

14 IT IS SO ORDERED.

15 DATED this 25th day of August, 2014.

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17 LARRY R. HICKS
18 UNITED STATES DISTRICT JUDGE
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